

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 67403

Anita Louise Alexander

407 Trappe Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on January 13, 2010 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-310, 312, failure to remove junk, trash debris and materials from property; section 13-4-201 (b)(d), failure to store garbage in containers with tight fitting lids on residential property known as 407 Trappe Road, 21222.

On December 8, 2009, pursuant to Baltimore County Code §3-6-205, Inspector Ray Harmon issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The following persons appeared for the Hearing and testified: Anita Alexander, Respondent and Ray Harmon, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on September 2, 2009 for removal of open dump/junk yard, and proper storage of garbage in cans with lids. This Citation was issued on December 8, 2009.

B. Inspector Ray Harmon testified that he spoke with Respondent Anita Alexander in September and agreed to give her more time to correct the violations. Re-inspection on September 21, 2009 found progress was being made. Re-inspection on December 7, 2009 found the violations not corrected, including improper storage of garbage, and this Citation was issued. Photographs in the file show junk and debris throughout the yard of this property, including several old tires, mattresses and a bed frame, an old dishwasher, tree debris, and household items. Some piles are covered by tarpaulins. Photographs also show several garbage cans overflowing with bagged garbage and no lids. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats.

C. Respondent Anita Alexander testified that she has been in and out of the hospital in recent months having cardiac surgery and other treatment, and that her family members have only helped a little with cleanup. She testified that she agrees the property needs to be cleaned up but that she cannot clean it up herself. She agreed to request a meeting with outreach staff from the Department of Aging to see if she can obtain assistance.

D. The civil penalty will be rescinded if the code violations are corrected within the time provided below. Garbage must be properly stored in cans with tight lids. If Respondent is unable to correct the junkyard/open dump violations within the time provided below, the County will be authorized to clean up the property.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by March 15, 2010.

IT IS FURTHER ORDERED that after March 15, 2010, if the violations have not been corrected the County may enter the property for the purpose of removing all junk, trash, and debris, at Respondent's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 20th day of January 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.

